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To: Commissioner for Patents

Date: November 18, 2004

Fax No.: 1-703-746-4000

Pages: 5, including this cover sheet

From: Pasquale Musacchio, Intellectual Property Counsel
Siemens IPD

Subject: US s/n 10/601,978

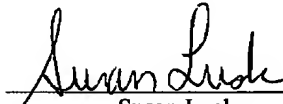
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Attached please find:

1. Issue Fee Payment: PART B – FEE(S) TRANSMITTAL
2. COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

CERTIFICATE OF TRANSMISSION PURSUANT TO 37 CFR 1.8

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Susan Lusk

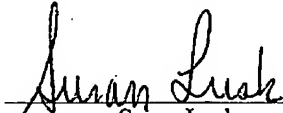
BEST AVAILABLE COPY**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

App. No. : 10/601,978
Applicant : Philip Edward Arthur Stuart
Filed : June 23, 2003
TC/A.U. : 3747
Examiner : Kamen, Noah P.
Docket No. : 2003P05386US

Mail Stop Issue Fee
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Alexandria, VA 22313-1450

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Susan Lusk

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Sir:

In response to the Examiner's Statement of Reasons for Allowance set forth in the Notice of Allowability mailed September 23, 2004, Applicant submits the following remarks.

Examiner indicates that the claims are allowable since the prior art does not suggest a moveable plenum connected to deformable runners. Such a characterization of the claims in view of the prior art does not properly take into account the Applicant's claimed invention.

Applicant does not agree with the Statement of Reasons for Allowance. With respect to independent claim 1, Applicant asserts that this claim and the claims dependent

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therefrom are allowable since, as previously set forth, Applicant's invention is directed to

"A vehicle intake manifold assembly, comprising:

a housing;

a plenum movable within said housing;

a deformable runner passage which communicates between said plenum and an engine cylinder, said deformable runner passage deformable to define an effective runner length; and

a drive system to selectively move said plenum within said housing to deform said deformable runner passage and vary said effective runner length".

With respect to independent claim 7, Applicant asserts that this claim and the claims dependent therefrom are allowable since, as previously set forth, Applicant's invention is directed to "A method of adjusting an effective runner length of a continuously variable vehicle intake manifold assembly comprising the steps of:

(1) selective moving a plenum within a housing to deform a deformable runner passage and adjust an effective runner length between the plenum and an engine cylinder."

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Applicant does not acquiesce that patentability resides in the characterization expressed in the Statement of Reasons for Allowance.

Respectfully submitted,

Pasquale Musacchio

Reg. No. 36,876

Dated: NOVEMBER 18, 2004

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